

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT EICHLER,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner  
of the Social Security Administration,<sup>1</sup>

Defendant.

CASE NO. 12-cv-05942 RJB

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 17.)

<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as the defendant in this suit.

1 After reviewing defendant's stipulated motion and the relevant record, the undersigned  
2 recommends that the Court grant defendant's motion, and reverse and remand this matter to the  
3 Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

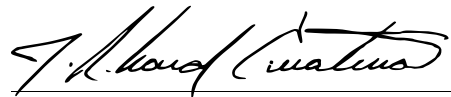
4 On remand, based on the parties' stipulation, this Court recommends that the  
5 Administrative Law Judge ("ALJ") reassess plaintiff's ability to perform other work at step five  
6 of the sequential evaluation process, and obtain, if necessary, supplemental vocational expert  
7 testimony to assist in determining whether or not jobs exist for plaintiff in significant numbers in  
8 the national economy given his age, education, work experience, and residual functional  
9 capacity.

10 This Court further recommends that the ALJ take any other actions necessary to develop  
11 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments  
12 to the ALJ on remand.

13 On proper request to this Court, the parties agree that plaintiff is entitled to reasonable  
14 attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

15 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
16 immediately approve this Report and Recommendation and order the case be **REVERSED** and  
17 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

18 Dated this 14th day of March, 2013.

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21 J. Richard Creatura  
22 United States Magistrate Judge  
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